

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY JACOB LUGO,

Defendant.

CR 19–17–BU–DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation in this matter on January 22, 2020. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommended this Court accept Anthony Jacob Lugo’s guilty plea after Lugo appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of possession with intent to

distribute marijuana and cocaine in violation of 21 U.S.C. § 841(a)(1), and one count of possession of a firearm in furtherance of a drug trafficking offense in violation of 18 U.S.C. § 924(c)(1)(A), as set forth in the Indictment.

I find no clear error in Judge DeSoto's Findings and Recommendation (Doc. 39), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Anthony Jacob Lugo's motion to change plea (Doc. 31) is GRANTED and Anthony Jacob Lugo is adjudged guilty as charged in Counts II and III of the Indictment.

DATED this 10th day of February, 2020.



Dana L. Christensen, Chief District Judge
United States District Court